

CONTROL NO.: CENABCT-98-28

JUSTIFICATION REVIEW DOCUMENT FOR OTHER THAN
FULL AND OPEN COMPETITION

Program/Equipment: KWVM/Statuary Lighting

Prepared By:

Typed Name: Jon R. Sadler

Phone: (410) 962-6783

Title: Design/Project Manager

Date Reviewed: 5 August 1998

Procuring Contracting Officer:

Typed Name: Margaret G. Zimmerman

Phone: (410) 962-0188

Date Reviewed: Aug 13, 98

Technical Representative:

Typed Name: Christine Anuszewski

Phone: (410) 962-3845

Title: Chief Design Branch

Date Reviewed: 8-12-98

Requirements Representative:

Typed Name: Stan Gembicki Jr.

Phone: (410) 962-4660

Title: Chief, Engineering Division

Date Reviewed: 12 Aug 98

REVIEWS: I have reviewed this justification and find it adequate to support other than full and open competition.

Program Manager

Typed Name: Jon R. Sadler

Phone: (410) 962-6783

Signature: Jon R. Sadler

Date Reviewed: 12 August 1998

Legal Counsel

Typed Name: George M. Kingsley

Phone: (410) 962-3385

Signature: George M. Kingsley

Date Reviewed: 12 Aug 98

Chief, Contracting Division

Typed Name: Jerome T. Rifkin

Phone: (410) 962-2196

Signature: Jerome T. Rifkin

Date Reviewed: 98 Aug 13

Field Competition Advocate

Typed Name: Colonel. Bruce A. Derwick

Phone: (410) 962-4545

Signature: Bruce A. Derwick

Date Reviewed: 20 Aug 98

JUSTIFICATION AND APPROVAL
FOR OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity:

Department of the Army
Baltimore District, Corps of Engineers (CENAB-CT-V)
P.O. Box 1715
Baltimore, Maryland 21203-1715

2. Description of Action:

The Baltimore District wishes to procure a new crystal optic lighting system for the Korean War Veterans Memorial located on the Mall in Washington, D.C. The existing fiber optic lighting system is in a state of poor repair and continues to degrade at a rapid rate. The existing system was installed during the construction of the Memorial and is not economically repairable and the overall appearance of this important national memorial has been compromised by the shortcomings in the existing lighting system. The Baltimore District has received complaints from the public, Veterans organizations, the American Battle Monuments Commission and the National Park Service. A fixed priced contract will be issued.

3. Description of Services and Supplies:

The supplies to be procured is a comprehensive illumination system for the plaza and nineteen stainless steel statues situated within the statuary area of the memorial. The lighting system includes projectors, lenses, cable and other incidental equipment. The crystal optic system to be procured offers significant improvements in reliability, maintainability and operating costs over the existing fiber optic cable system. The National Park Service, the operator of the Memorial, will realize substantial reductions in life cycle costs as a result of the use of a crystal optic fiber lighting system. The proposed cost for the crystal optic lighting system is approximately \$200,000. Expected contract award is 30 Sep 98 with a completion of 1 Mar 99.

4. Authority Cited:

10 U.S.C. 2304 (c)(1), as implemented by FAR 6.302-1, "Only One Responsible Source".

5. Reason for Authority Cited:

Band, Inc. is the only North American distributor of a crystal optic illumination system. Band Inc.'s crystal optic system offers a level of reliability that is unavailable from any known firm. This is a follow-on action to a purchase order awarded Band Inc. to develop a prototype fixture for demonstration purposes. This demonstration was held in Nov 97, and exceeded all expectations. This action is to award a contract for further development of the lighting system, manufacture the equipment, installation, testing, and a 10-year warranty. Band Inc. offers a ten-year warranty on its illumination system while other competing firms using less reliable fiber optic systems offer one year or less. Improvements in system reliability will directly reduce operating and life cycle costs. In addition, the KWVM, presents unique lighting challenges on system reliability. The memorial is made up of nineteen individual statues spread out over an area of 10,000 square feet, each of which must be individually illuminated. The crystal fiber used in the Band, Inc. system allows for fewer lighting projectors, does not deteriorate over time and can accommodate light fixtures with a life expectancy four times greater than those used in fiber optic systems. (Two glass fiber optic systems were reviewed. The glass fiber problems were the factory installed epoxy fittings at the ends of the cable. These fittings deteriorate from UV and Infra Red light generated from the projectors, the cables must be returned to the factory for replacement of the fittings or the entire cable replaced. The damp below grade environment in which the projectors are installed also caused failure. The new system utilizes much smaller projectors that can be placed above ground, decreasing environmental effects and allowing easier access.) The additional increment of reliability, in addition to the economic advantages, is particularly important in a national memorial to veterans of war, which must be well maintained in keeping with the reverence that the nation holds for its battle veterans. Sound public administration demands that the Government seek the illumination system with the highest reliability and the lowest life cycle costs.

Installation of systems is also a consideration. The Memorial cannot be closed for any considerable periods of time, due to general public and veterans groups' visits. Over 1 Million people visit the Memorial every year. The BAND system requires minimal equipment and disruption to the Memorial during installation.

6. Efforts to Obtain Competition:

Band, Inc. is the only known firm that can meet the Government's needs for the unique lighting requirement of the KWVM. The Baltimore District conducted market research regarding the availability and reliability of fiber optic lighting systems. This research included mock-up light test at the Memorial of a glass fiber optic system provided by Lightly Expressed Ltd. 803 Eighth Street, Salem VA, 24153 and Absolute Action Limited of London, England and a plastic cable system manufactured by NoUVIR, Seaford DE. The fiber optic systems provided by the other firms did not address the deficiencies outlined in section 5, and the Absolute Action System does not meet the requirements of the Buy American Act. NoUVIR

notified the CORPS their equipment would not be able to work in the environmental conditions at the site. Furthermore, none of the systems could meet the lighting requirements or the equipment environment concerns. No known fiber optic system is able to meet the reliability requirements of the KWVM.

7. Actions to Increase Competition:

Presently, Band, Inc., as the technical innovator, is the only firm offering crystal optic lighting systems. It is anticipated that other specialty lighting firms will adopt this technology and a competitive market for crystal optic specialty lighting will emerge. It will then be possible to procure crystal optic lighting systems on a full and open competition basis.

8. Market Survey:

A Market Survey as outlined in section 6 was performed since this action requires installation of an optic lighting system that must be capable of operating in harsh environments, yet provide prolonged operation. Due to the rapid degeneration and failure of the existing glass fiber optic system a replacement must be procured promptly, in order to minimize the impact on the public.

9. Interested Sources:

This action is being made under conditions described in FAR 6.302-1. A notice will be placed in the Commerce Business Daily of the Governments intent to negotiate with Band, Inc. Any responses received will be reviewed and given consideration.

10. Other Factors:

- a. Procurement History: Band Inc. was awarded a purchase order to develop a prototype fixture for demonstration purposes. This demonstration was held in Nov 97.
- b. Acquisition Date Availability: See paragraph 3 "Description of Services and Supplies"
- c. Unusual and Compelling Urgency: N/A. Authority is FAR 6.302-1 "One Responsible Source".
- d. Subcontracting Competition. BAND Inc., will be performing all of the work required per this contract action. A subcontracting plan is not applicable.

11. Prepared by:

Name: Jon Sadler

Date: 5 Aug 98

Title: Project/Design Manager

Signature: 

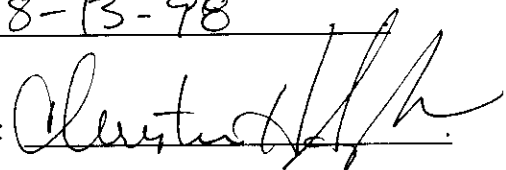
12. Technical Certification:

"I certify that the supporting data under my cognizance which are included in this J&A are accurate and complete to the best of my knowledge and belief."

Name: Christine Anuszewski

Date: 8-13-98

Title: Chief, Design Branch

Signature: 

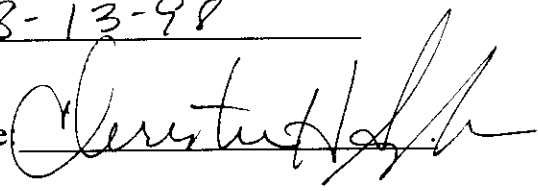
13. Requirements Certification:

"I certify that the supporting data under my cognizance which are included in this J&A are accurate and complete to the best of my knowledge and belief."

Name: Stan Gembicki Jr.

Date: 8-13-98

Title: Chief, Engineering Division

Signature: 

14. Fair and Reasonable Cost Determination:

"I hereby determine that the anticipated cost for this contract action will be fair and reasonable. The following techniques will be utilized to ensure a fair and reasonable price determination: cost and price analysis, technical analysis and comparison to Independent Government Cost Estimates."

15. Procuring Contracting Officer Certification:

"I certify that the facts and representations under my cognizance that are included in this justification and approval are accurate and complete to the best of my knowledge and belief."

Name: Margaret G. Zimmerman Date: Aug 13, 1998

Title: Contracting Officer Signature: Margaret Zimmerman

APPROVAL

Based on the foregoing justification, I hereby approve the acquisition of a new crystal optic lighting system for the Korean War Veterans Memorial on other than full and open competition basis pursuant to the authority of 10 U.S.C. 2304 (c)(1), as implemented by FAR 6.302-1 "One Responsible Source", subject to the availability of funds, and provided the supplies herein described have otherwise been authorized for acquisition.

Date: 98 August 13 Signature: Jerome T. Rifkin
JEROME T. RIFKIN
Chief, Contracting Division

AMENDMENT TO JUSTIFICATION AND APPROVAL
FOR OTHER THAN FULL AND OPEN COMPETITION

1. Contracting Activity:
Department of the Army
Baltimore District, Corps of Engineers (CENAB-CT-~~C~~)
P.O. Box 1715
Baltimore, Maryland 21203-1715

2. Description of Action:

The Baltimore District wishes to procure a new crystal optic lighting system for the Korean War Veterans Memorial located on the Mall in Washington, D.C. The existing fiber optic lighting system is in a state of poor repair and continues to degrade at a rapid rate. The existing system was installed during the construction of the Memorial and is not economically repairable and the overall appearance of this important national memorial has been compromised by the shortcomings in the existing lighting system. The Baltimore District has received complaints from the public, Veterans organizations, the American Battle Monuments Commission and the National Park Service. A fixed priced contract will be issued.

3. Description of Services and Supplies:

The supplies to be procured is a comprehensive illumination system for the plaza and nineteen stainless steel statues situated within the statuary area of the memorial. The lighting system includes projectors, lenses, cable and other incidental equipment. The crystal optic system to be procured offers significant improvements in reliability, maintainability and operating costs over the existing fiber optic cable system. The National Park Service, the operator of the Memorial, will realize substantial reductions in life cycle costs as a result of the use of a crystal optic fiber lighting system. The proposed cost for the crystal optic lighting system is approximately \$200,000. Expected contract award is 30 Sep 98 with a completion of 1 Mar 99.

4. Authority Cited:

10 U.S.C. 2304 (c)(1), as implemented by FAR 6.302-1, "Only One Responsible Source".

5. Reason for Authority Cited: No Change
6. Efforts to Obtain Competition: No Change
7. Actions to Increase Competition: No Change
8. Market Survey: No Change

9. Interested Sources:

One response was received to the sole source CBD announcement from Ideal Electrical Supply Corporation requesting a copy of the solicitation document for the Statuary Lighting. Mr. Jon Sadler, Project Manager contacted Mr. George Uncle of Ideal Electrical Supply Corporation to discuss the proposed lighting. During the conversation it was discovered that Ideal Electrical Supply Corporation was a distributor of lighting systems, primarily standard systems, and could not meet our specifications for crystal optic specialty lighting, and further expressed that he would be interested in seeing the system once completed and installed. As a result of the conversation Mr. Uncle verbally withdrew his request for a solicitation document.

10. Other Factors: This document is an amendment to the Justification and Approval for Other than Full and Open Competition approved by the Chief, Contracting Division on August 13, 1998. AFARS 6.303-2-90(3) requires preparation of an amendment to the Justification document when there is a change to the document. This proposed action was synopsized in the Commerce Business Daily notifying of the Government's intent to negotiate with Band, Inc. for the required optical lighting for the Korean War Veterans Memorial. At the time of the approval of the J&A no responses to the CBD had been received. A response was received on 3 September 1998 from Ideal Electrical Supply Corporation, Washington, D.C. Paragraph 9 "Interested Sources" has been revised to reflect that a response was received and the determination that the firm could not meet the Government's specifications. No other changes to the J&A have been made. Additionally, no other responses have been received.

11. Prepared by: No Change

12. Technical Certification: No Change

13. Requirements Certification: No Change

14. Fair and Reasonable Cost Determination:

"I hereby determine that the anticipated cost for this contract action will be fair and reasonable. The following techniques will be utilized to ensure a fair and reasonable price determination: cost and price analysis, technical analysis and comparison to Independent Government Cost Estimates."

15. Procuring Contracting Officer Certification:

"I certify that the facts and representations under my cognizance that are included in this amendment to justification and approval document are accurate and complete to the best of my knowledge and belief."

Name: Margaret G. Zimmerman

Date:

Sept 18, 1998

Title: Contracting Officer

Signature:

Margaret Zimmerman

APPROVAL

Based on the foregoing justification, I hereby approve the acquisition of a new crystal optic lighting system for the Korean War Veterans Memorial on other than full and open competition basis pursuant to the authority of 10 U.S.C. 2304 (c)(1), as implemented by FAR 6.302-1 "One Responsible Source", subject to the availability of funds, and provided the supplies herein described have otherwise been authorized for acquisition.

Date:

98 September 21

Signature:

Jerome Rifkin

JEROME T. RIFKIN

Chief, Contracting Division